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**FAX TRANSMISSION***Total 3 pages, including cover sheet*

To: Commissioner for Patents  
U.S. Patent and Trademark Office

Fax no.: **(571) 273-7755**

From: David L. Fitzgerald, Reg. No. 47,347  
Tel. (202) 736-8818

Date: **28 February 2008**

**Re:**

In re.: **Pat. 5,914,331 – § 156**

Unit: **OPLA**

Filed: **29 August 2003**

Attn.: **M. Till**

Patent Owner: **Emory University**

For: **Application for Patent Term Extension under 35 U.S.C. § 156 for  
U.S. Patent No. 5,914,331**

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8**

I CERTIFY THAT THE FOLLOWING DOCUMENTS ARE BEING TRANSMITTED TO THE USPTO AT  
FAX NUMBER (571) 273-7755 ON THE DATE SHOWN:

- Letter re § 156 application for patent term extension (2 pages)

/David L. Fitzgerald/  
SIGNATURE

David L. Fitzgerald, Reg. No. 47347  
PRINTED NAME

28 Feb. 2008  
DATE

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Re: § 156 APPLICATION BASED ON US 5,914,331

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re.:	Pat. 5,914,331 – § 156	Unit:	OPLA
Filed:	29 August 2003	Attn.:	M. Till
Patent Owner:	Emory University		
For:	Application for Patent Term Extension under 35 U.S.C. § 156 for U.S. Patent No. 5,914,331		

**By fax – (571) 273-7755**

Mail Stop Hatch-Waxman PTE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER**

Sir:

This letter responds to the Notice of Final Determination mailed on 30 January 2008. The applicant for term extension calls to the attention of the Office a possible error in the calculation of the duration (in days) of the period of term extension. As this letter is submitted within one month of the date of the Notice, it is timely.

The Office's calculation of the period of regulatory review, as well as the extended expiration date of the patent as limited by 35 U.S.C. § 156(c)(3), are correct. The original expiration date of the patent is 29 September 2015, and the expiration date of the term extension will be 2 July 2017.

We believe that the period of the term extension should be 642 days, not 643 days as indicated in the Notice. Not including the original expiration date in the calculation (i.e., if the extended expiration date were 30 September 2015, the length of the term extension would be 1 day), we count 642 days from the original expiration date of 29 September 2015 to the extended expiration date of 2 July 2017.

Applicant requests that the Office verify the calculation and issue an appropriate certificate of term extension.

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Re: § 156 APPLICATION BASED ON US 5,914,331

Inquiries regarding this letter may be directed to the undersigned. Correspondence should continue to be sent to the correspondence address of record.

Respectfully submitted,

/David L. Fitzgerald/

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28 February 2008

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